

BURSOR & FISHER, P.A.

L. Timothy Fisher (State Bar No. 191626)
1990 North California Boulevard, Suite 940
Walnut Creek, CA 94596
Telephone: (925) 300-4455
Facsimile: (925) 407-2700
E-Mail: ltfisher@bursor.com

BURSOR & FISHER, P.A.

Scott A. Bursor (State Bar No. 276006)
888 Seventh Avenue
New York, NY 10019
Telephone: (212) 989-9113
Facsimile: (212) 989-9163
E-Mail: scott@bursor.com

Interim Class Counsel

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re Trader Joe's Tuna Litigation

Case No. 2:16-cv-01371-ODW-AJW

**STIPULATION TO EXTEND
PLAINTIFFS' DEADLINE TO FILE
A MOTION FOR CLASS
CERTIFICATION**

Hon. Otis D. Wright II

Pursuant to Civil Local Rules 7-1 and 23-3, Plaintiffs Kathy Aliano, Amy Joseph, Christine Shaw, Sarah Magier, and Atzimba Reyes (“Plaintiffs”) and Defendants Trader Joe’s Company and Trader Joe’s East Inc. (“Defendants”) (collectively, the “Parties”), by and through their respective counsel, stipulate as follows:

WHEREAS, Plaintiff Magier filed her putative Class Action Complaint in the U.S. District Court for the Southern District of New York on January 5, 2016, *see Magier v. Trader Joe’s Co.*, No. 1:16-cv-00043 (S.D.N.Y.);¹

WHEREAS, Plaintiff Joseph filed her putative Class Action Complaint with this Court on February 26, 2016, and served it on Defendant Trader Joe’s Company on March 3, 2016;

WHEREAS, Plaintiff Aliano filed her putative Class Action Complaint in the U.S. District Court for the Northern District of Illinois on February 26, 2016, *see Aliano v. Trader Joe’s Co.*, No. 1:16-cv-02623 (N.D. Ill.);

WHEREAS, on March 11, 2016, Plaintiff Aliano filed a Motion for Coordination or Consolidation and Transfer Pursuant to 28 U.S.C. § 1407 (the “Motion for Coordination”) with the United States Judicial Panel on Multidistrict Litigation (the “JPML”), seeking coordination of the *Aliano*, *Joseph*, and *Magier* matters;²

WHEREAS, on April 14, 2016, this Court stayed the *Joseph* matter, *see* Dkt. 12 (42 days after service of the *Joseph* complaint);

¹ Plaintiff Reyes was added as a named plaintiff to the *Magier* matter through a First Amended Class Action Complaint, which was filed in the U.S. District Court for the Southern District of New York on January 29, 2016.

² Thereafter, Plaintiff Aliano also sought coordination of the *Shaw v. Trader Joe’s Co.*, No. 2:16-cv-02686 (C.D. Cal.) matter, which was filed with this Court on April 19, 2016.

1 WHEREAS, counsel for the Parties appeared before the JPML on May 26,
 2 2016 and agreed to stipulate to a change of venue pursuant to 28 U.S.C. § 1404, such
 3 that the *Aliano, Joseph, Magier, and Shaw* matters “will be venued in the Central
 4 District of California;”

5 WHEREAS, based on these representations, the JPML considered the Motion
 6 for Coordination to be withdrawn, in favor of voluntary transfer and coordination
 7 pursuant to 28 U.S.C. § 1404;

8 WHEREAS, subsequent to the Parties’ voluntary transfer and coordination, this
 9 Court ordered the *Aliano, Joseph, Magier, and Shaw* matters to be consolidated on
 10 November 1, 2016, *see* Dkt. 18;

11 WHEREAS, on November 1, 2016, the Court lifted the stay placed on the
 12 now-consolidated *Joseph* matter;

13 WHEREAS, on November 7, 2016, counsel for Plaintiffs Aliano, Joseph, and
 14 Shaw filed a Motion for Appointment of Interim Class Counsel, pursuant to Fed. R.
 15 Civ. P. 23(g);

16 WHEREAS, on November 7, 2016, counsel for Plaintiffs Magier and Reyes
 17 filed a competing Motion for Appointment of Interim Class Counsel;

18 WHEREAS, on December 21, 2016, the Court appointed Plaintiffs Magier and
 19 Reyes’ counsel as Interim Class Counsel (50 days after the Court lifted the stay);

20 WHEREAS, pursuant to Local Rule 23-3, Plaintiff Joseph’s deadline to file a
 21 motion for class certification was on December 19, 2016,³ which was two days before
 22 Plaintiffs Magier and Reyes’ counsel was appointed as Interim Class Counsel;

23 WHEREAS, Plaintiffs have not requested any continuances regarding their
 24 motion for class certification deadline to date;

25 _____
 26 ³ That is, 42 days passed between the service of the *Joseph* matter on March 3, 2016
 27 and the Court’s stay on April 14, 2016. Given that the Court lifted the stay on
 28 November 1, 2016, this means that the 90-day deadline for Plaintiff Joseph to move
 for class certification would be on December 19, 2016.

1 WHEREAS, pursuant to the Order to Consolidate Cases, Plaintiffs' deadline to
2 file their Consolidated Amended Class Action Complaint is Friday, January 20, 2017
3 (Dkt. 18 ¶ 3);

4 WHEREAS, pursuant to the Order to Consolidate Cases, Defendants must
5 respond to the Consolidated Amended Class Action Complaint within 60 days of its
6 filing (Dkt. 18 ¶ 4);

7 WHEREAS, Defendants anticipate filing a motion to dismiss;

8 NOW THEREFORE, the Parties, by and through their respective counsel of
9 record, hereby stipulate that Plaintiffs' deadline to file their motion for class
10 certification shall be extended pending the Court's resolution of Defendants'
11 anticipated motion to dismiss. The Parties shall meet and confer to submit to the
12 Court, within 10 days of the Court's disposition of the anticipated motion to dismiss
13 (and assuming the Court does not dismiss the action in its entirety), a proposed
14 schedule regarding the motion for class certification.

1 Dated: January 18, 2017

BURSOR & FISHER, P.A.

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3 By: /s/ L. Timothy Fisher
L. Timothy Fisher

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5 L. Timothy Fisher (State Bar No. 191626)
1990 North California Boulevard, Suite 940
6 Walnut Creek, CA 94596
7 Telephone: (925) 300-4455
Facsimile: (925) 407-2700
8 E-Mail: ltfisher@bursor.com

9 *Interim Class Counsel*

10
11 Dated: January 18, 2017

**BUCHANAN INGERSOLL AND ROONEY
LLP**

12
13 By: /s/ Robert J. Parks
14 Robert J. Parks

15 Robert J. Parks (State Bar No. 103014)
16 600 West Broadway Suite 1100
San Diego, CA 92101
17 Telephone: (619) 231-8700
18 Facsimile: (619) 702-3898
E-Mail: robert.parks@bipc.com

19 *Attorneys for Defendants*

ATTESTATION

In accordance with Civil Local Rule 5-4.3.4(a)(2), I attest that concurrence in the filing of this document has been obtained from every other signatory to this document.

By: /s/ L. Timothy Fisher
L. Timothy Fisher